

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

----- X
SECURITIES AND EXCHANGE :
COMMISSION, :
Plaintiff, :
-against- : Civil Action No. 1:21-cv-00260-PB
LBRY, INC., :
Defendant. :
----- X

**DECLARATION OF JOHN T. DIXON IN OPPOSITION TO
SECURITIES AND EXCHANGE COMMISSION'S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, I, John T. Dixon, declare under penalty of perjury that the following is true and correct:

1. I am an attorney admitted to practice in the States of New York and Georgia. I am an attorney in the New York City office of Perkins Coie LLP and am admitted *pro hac vice* in this matter. I represent LBRY, Inc. ("LBRY") in this action. I make this Declaration upon personal knowledge and, if called upon to testify, could and would testify competently hereto.

2. I respectfully submit this declaration in opposition to Securities and Exchange Commission's Motion for Summary Judgment and to transmit true and correct copies of the following documents:

<u>Exhibit</u>	<u>Document Description</u>
35	Excerpts from the Deposition Transcript of Michael Finger, dated December 7, 2021
36	Amended - Confidential Expert Report of Dr. Boris M. Richard, dated April 29, 2022
37	Excerpts from the 30(b)(6) Deposition Transcript of Jeremy Kauffman, dated April 1, 2022
38	Excerpts from the Deposition Transcript of David Balter, dated January 13, 2022

<u>Exhibit</u>	<u>Document Description</u>
39	Article titled “The Appcoin Revolution: Interview with Mike Vine,” dated February 6, 2016
40	Excerpts from Exhibits to Amended - Confidential Expert Report of Dr. Boris M. Richard, dated April 29, 2022
41	Excerpts from the Deposition Transcript of Jeremy Kauffman, dated March 21, 2022
42	Excerpts from the Deposition Transcript of James A. Goldstein, dated January 7, 2022
43	LBRY webpage announcement titled “The Maker’s Mark” (July 21, 2017), <i>available at</i> https://lbry.com/news/makestuff
44	LBRY webpage announcement titled “What To Look For In a Spotify Alternative” (December 7, 2018), <i>available at</i> https://lbry.com/news/what-to-look-for-in-a-spotify-alternative
45	LBRY webpage announcement titled “Bring A Friend To LBRY!” (February 5, 2019), <i>available at</i> https://lbry.com/news/bring-a-friend-to-lbry
46	LBRY webpage announcement titled “Invites and Downloads Come to LIBRY on Android” (February 3, 2020), <i>available at</i> https://lbry.com/news/android-galaxy
47	LBRY webpage announcement titled “LBRY Fireworks For Android Works Like Fire” (January 8, 2020), <i>available at</i> https://lbry.com/news/fireworks
48	Email from Dave Balter to Josh Finer, dated October 2, 2017

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 17, 2022

Respectfully submitted,

/s/ John T. Dixon

John T. Dixon (*pro hac vice*)
 Perkins Coie LLP
 1155 Avenue of the Americas, 22nd Floor
 New York, New York 10036-2711
 (212) 262-6900
 johndixon@perkinscoie.com

Attorneys for LBRY, Inc.